

385

ROANOKE CITY COUNCIL

November 1, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, November 1, 2004, at 9:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

COUNCIL MEMBERS PRESENT: M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

SCHOOL TRUSTEES PRESENT: William H. Lindsey, Gloria P. Manns, Alvin L. Nash, Courtney A. Penn, Robert J. Sparrow, David B. Trinkle, , and Kathy G. Stockburger, Chair-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

Representing the Roanoke City Public Schools: Doris N. Ennis, Acting Superintendent; Cindy H. Lee, Clerk to the School Board; Timothy R. Spencer, Assistant City Attorney; R. Kaye Pleasants, Assistant Superintendent for Operations; Richard L. Kelley, Assistant Superintendent for Operations; Kenneth F. Mundy, Jr., Executive Director for Fiscal Services; and Dr. Lou Talbutt, Executive Director for Student Support Services.

CITY COUNCIL-CITIZEN OF THE YEAR: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in a closed session as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

SCHOOLS: The Mayor announced that 45 – 60 minutes would be devoted to meeting with the search consultant who was employed by the School Board to recruit applicants for a new School Superintendent in order to review the process and to respond to questions by Council. As a time saving measure, he advised that written information was previously provided by the School Board in response to various agenda items; i.e.: school safety-discipline, drug dog searches, expanding alternative education, Adolescent Uplift, New Beginnings, Maternal and Infant Education Center, middle school after school programs.

On behalf of the School Board, Chairperson Stockburger expressed appreciation for the opportunity to meet with Council on various school-related issues.

School Safety and Discipline:

The Acting Superintendent advised that a workshop was held consisting of approximately 80 participants from Roanoke City Schools on de-escalation training, which will have an impact on proactively diffusing difficult situations in the schools before they get out of hand. She stated that the approximately 80 educators who attended the de-escalation training are in the process of networking strategies to various schools.

Dr. Talbutt announced that cameras have been installed at William Fleming High School and William Ruffner Middle School and should be installed at Addison Aerospace Middle School before the Thanksgiving break. She called attention to a positive evaluation from the group that conducted the de-escalation training, with over 90 per cent of participants rating the training as worthwhile and needed within Roanoke City Public Schools.

Ms. Ennis advised that the number of complaints have decreased compared to last year, lines of communication are open with the School Board, and concerns expressed by parents are properly and timely investigated.

Council Member Cutler inquired if there is live monitoring by school cameras; whereupon, Dr. Talbutt advised that 32 cameras have been installed in the schools to date, live monitoring is not done throughout the school day, but video tapes are made in the event that there is an incident that needs to be viewed by the principal.

Ms. Ennis advised that administrators are trained to know where the "hot spots" are located in the schools and the time of day that monitoring is necessary; cameras are strategically placed based upon the principal's knowledge of the school building; during the changing of classes, teachers are assigned to supervise certain areas, and there are times when the administration cannot be physically present, but they can monitor certain areas. Dr. Talbutt added that at key times, principals assign security staff to monitor various situations.

Council Member Lea inquired, under the umbrella of school safety and discipline, if the School Board previously stated its opinion with regard to the proposed methadone clinic on Hershberger Road; whereupon, the Chair advised that the School Board stated its opposition to the proposed location in a letter from Superintendent Harris approximately one year ago. She stated that a copy of the communication would be provided to the Members of Council.

Adolescent Uplift Program:

Adolescent Uplift is an intervention program designed to meet the needs of over-age middle school students who are at least one grade level behind their peer age group. The program can accommodate up to 70 students and is held at Breckinridge Middle School between the hours of 2:00 p.m. and 6:00 p.m. Currently 65 students are enrolled and transportation is provided to and from the student's home. Instruction is provided in four core content areas – English, social studies, science and mathematics. Reading is a primary focus of the program because many of the students have limited reading skills. Students receive concentrated instruction from reading teachers. Students who are age-eligible are given assistance in obtaining employment before and after school hours. Driver education takes place after the instructional day to provide students the opportunity to obtain a driver's license.

Council Member Wishneff noted that students attend school from 2:00 to 6:00 pm., and inquired if they attend their regular school prior to 2:00 p.m. Dr. Talbutt advised that students do not attend regular school during the morning hours; the program has grown to include approximately 70 students; students are encouraged to work and to volunteer their time and they are motivated by the opportunity to get their driver's license; and counseling is provided to students who are monitored by Adolescent Uplift staff in their transition to high school.

The Acting Superintendent added that the ultimate goal is to increase the graduation rate and to decrease the dropout rate; the Adolescent Uplift program is intended to address those students who normally would not graduate from high school, some of whom may be suffering from a self esteem problem and many are at an age where they have part time jobs that keep them connected to school. She called attention to the Technical Academy at the Roanoke Higher Education Center which is another alternative education program that targets a group of students who have lost interest in the traditional larger high school setting and may perform better in the smaller setting.

Maternal and Infant Education Center:

Students enrolled for 2004–2005 have been mainstreamed with Noel C. Taylor Learning Academy students to enhance their access to the wider variety of academic offerings needed in order to earn a standard diploma. Students attend classes with Noel C. Taylor students and childcare and parenting classes are provided to these students.

Ms. Ennis advised that female students who participate in the program score higher on their SOL's than the average student due to certain specialized instruction.

Council Member Cutler inquired as to the percentage of female students who attend sex education classes; whereupon, Ms. Ennis called attention to family life education which is taught in physical education classes. Dr. Talbutt stated that students attending the Maternal and Infant Education Center participate in parenting classes and the Center also provides day care for their children; and teenage pregnancy is a valley wide issue and a community wide concern, although the pregnancy rate has decreased. Ms. Ennis stated that a parenting skills class is also interfaced with personal care for students who are pregnant, both before and following delivery of the baby, and although classes are not taught specifically, consultants are engaged to address the responsibilities of motherhood, etc.

The City Manager advised that the lack of self esteem is one of the major causes of teenage pregnancy and the school system is constantly called upon to look at programs that help to build self esteem, which will lead to the greatest successes in school programs.

Drug dog searches:

Drug dog searches are coordinated between the School Resource Officers and the Police Department. All middle and high schools will continue to conduct a minimum of two drug dog searches (one per semester) per school year. The date and times are not pre-announced, but several have already been scheduled for this school year.

New Leadership:

The Chair advised that James R. Oglesby, Ph.D., representing the firm of Ray and Associates, has been retained by the School Board to lead the search for the new School Superintendent. She stated that the School Board is confident that their efforts will help to attract highly qualified candidates, culminating in securing the best person for an extremely critical position.

Expanding alternative education:

The Noel C. Taylor Learning Academy is the District's alternative education school. Enrollment data for the various programs offered at the Academy was provided indicating an overall total of 196 students.

New Beginnings Program:

New Beginnings is a program modeled after the Adolescent Uplift program and provides more focused support and assistance to students who are not functioning well in the traditional high school setting. The program is conducted at the Noel C. Taylor Learning Academy. Smaller classes, individualized instruction and flexible time schedules allow the students electing to participate in the New Beginnings program to optimize their credits. The goal is to meet the students' needs so that at some point in the future they can return to the traditional high school setting. Students are selected for the program based on the following criteria--behind in credits, habitual offenders of the school code of conduct, or lack of success because of poor attendance.

There was discussion with regard to programs that are geared to address students who are habitually tardy for class; whereupon, the Acting Superintendent advised that Campus Roundup is enforced. She stated that the seven period schedule at the high school level has helped in connection with the supervision of students by getting them to class on time and providing time in the daily schedule of teachers to supervise the cafeteria and hallways, etc. Therefore, she added that the seven period school day has not only helped students to participate in more electives and to graduate, but has enhanced the safety and supervision of students.

School uniforms:

Council Member Lea inquired as to the status and legality of school uniforms; whereupon, the Chair called attention to discussions regarding implementation of a pilot program and staff has been requested to research legal ramifications, if any.

Mr. Spencer called attention to two basic approaches on how a school system or public school may conduct a school uniform program; i.e.: a voluntary program such as the City of Richmond administers through its technical school; and an opt out option for religious or other concerns in order to give parents a choice even if the program is mandatory so as not to inhibit religious or political speech. He stated that the programs administered by the Cities of Richmond and Norfolk will be reviewed which will help Roanoke's School Board to make an informed and reasonable decision.

Council Member Lea commended the work that has been done to date and noted that school uniforms have been implemented throughout the country. He inquired about the type of uniforms that are worn at the Noel C. Taylor Learning Academy; whereupon, Ms. Ennis advised that students were encouraged to provide input into the type of uniform to be worn which culminated in an agreement that khaki pants and tee shirts representing individual school colors would be the uniform of choice. She called attention to the importance of involving students to ensure buy in at that level.

The Chair stated that there should be a measured response to avoid the possibility of law suits.

It was noted that the School Board is looking at more than just the issue of school uniforms, but the over all dress code.

Council Member McDaniel inquired about the teacher turn over rate; whereupon, it was advised that the turn over rate is approximately ten per cent per year.

Superintendent search process:

Council Member Dowe commended the School Board on actions taken to date which are sending a definitive and positive message to Roanoke's citizens. He stated that it is hoped that any concerns that exist within the general populace will be alleviated without any structured or drastic measures.

Council Member Lea commended the School Board and the administration on the manner in which the naming of the Roanoke Academy of Mathematics and Science was addressed, which allowed the school to maintain its identity while recognizing certain key individuals within the community.

Mr. Nash inquired about the "buddy system" that was previously initiated by Council and the School Board; whereupon, the Mayor advised that the "buddy system" was established in an effort to pair up a Member of Council with a Member of the School Board as a relationship building and information sharing technique. He stated that the business of the schools is moving along in good order at the present time without having to reconstruct the "buddy system"; he, along with the City Manager, the Acting Superintendent of Schools, and the School Board Chair meet on a monthly basis to share issues of mutual interest and concern; his role as Mayor is to stress and to facilitate relationship building and as a result of this approach, there is an exchange of information by both bodies that appears to be working.

Vice-Mayor Fitzpatrick called attention to an improved working relationship between the Council the School Board; by participating in monthly meetings of City and School officials, there is an opportunity to discuss various issues of concern, therefore, there is no need for any more structure than is currently in place. He stated that he would feel comfortable in calling a member of the School Board for information if necessary and it would be hoped that the School Board would feel comfortable in calling the Members of Council for information.

Council Member Wishneff expressed appreciation to Ms. Ennis for serving as Acting Superintendent of Schools until the position is filled on a permanent basis.

Council Member Cutler advised that there has been a positive change in the relationship between City Council and the School Board over the past few months; and rather than the two bodies operating as two distinct groups with different agendas, the Council and the School Board now operate as a team.

Mayor Harris stated that there is now a level of confidence in Roanoke City Public Schools, and the message that City Council and the School Board would like to send to the citizens of Roanoke is that concerns which were previously expressed regarding school safety have been seriously considered by the School Board, the School Board has responded through expanded alternative education programs, by continuing to review the issue of school uniforms, and a change in school administrative leadership. He stated that the Members of Council are pleased with the progress that has been made to date which is a tribute to the leadership of the School Board, the Acting Superintendent and others, and Council will continue to work with the School Board since the success of the City of Roanoke depends upon the success of its school system.

Mr. Lindsey introduced Dr. James R. Oglesby and Dr. Phil Newman, representing Ray and Associates.

Dr. Oglesby expressed the appreciation of Ray and Associates to have been selected to conduct the School Superintendent search for the City of Roanoke and advised that a joint meeting of City Council and the School Board was a good way to start the process. He reviewed his credentials and past experience.

He advised that:

- Ray and Associates will serve as consultants to the Roanoke City School Board and will conduct the superintendent search process in a manner that is consistent with directions of the School Board.
- A profile will be developed using a set of 32 criteria which has been modified and consistently used for a number of years.
- A survey will be completed by interested persons in which they will identify the top ten of the 32 characteristics that Roanoke's School Superintendent should possess.

- A compilation of characteristics will be provided to the School Board which will assist the School Board in identifying the characteristics to be included in the advertisement for applications, along with information describing the Roanoke community.
- All applications will be forwarded to Ray and Associates in order to maintain the confidentiality of the applicants.
- All applicants will be measured against the established criteria/characteristics that are developed; information on all applicants will be provided to the School Board, as well as recommendations by the consultant on those applicants who should be considered by the Board.
- An in house contact person will be designated by the School Board to work with the search firm.
- Community wide forums and individual group meetings will be conducted to collect information from all segments of the community to ensure that diversity is a component of the search process.
- The time line established by the School Board provides for the new superintendent to be selected by the end of February 2005 and to assume the position by July 1, 2005, which will allow the successful candidate to be involved in planning for the next school year;
- The time line includes several significant dates; i.e.: community meetings to discuss the profile, the date that the search process closes, a review by the School Board of credentials of those individuals who are recommended by the search consultant, interview process design, formal interviews to evaluate the credentials of all applicants, and a list of questions will be provided to the School Board to be asked of all candidates in order to fairly compare credentials.

- The search consultant will provide the School Board with a list of recommended candidates for background checks.
- The search consultant will meet with the School Board to discuss a salary package to be included as a part of the advertisement for the position which will be consistent with the quality of individual desired for the position.
- The position will be widely advertised in such publications as American Association of School Administrators, Education Week, the State School Board Association, the National School Board Association, and appropriate executive registries.
- It should be clarified in the beginning of the process if the City wishes to have traditional or non-traditional candidates in the applicant pool; i.e.: traditional candidates are those persons who have taught in the schools in grades K – 12 , have served as principal or assistant principal, have worked in the central office, or have served as a superintendent in another locality, and whether a PhD or some other type of degree will be a requirement.
- The School Board and the search consultant have not reached a decision on the proposed salary, although it is anticipated to be in the range of \$145,000.00 and \$150,000.00, and the benefits package should be consistent with what has been offered to previous superintendents, or consistent with the salary offered to other superintendents within the district.
- Interviews will be held within the community with the understanding that the identity of the applicants will be protected.

There was discussion with regard to filling acting positions within the school system before the new Superintendent is hired; whereupon, the Chair advised that acting positions will not be filled until the new Superintendent is in office.

Dr. Oglesby advised that the search consultant would like to meet individually with the Members of Council on November 10 and 11, or November 8 and 9 (alternate dates) at a location to be later announced to discuss the top ten of the 32 characteristics for selecting a new Superintendent, and to discuss significant issues of concern to the Members of Council. He stated that meetings will also be held with various civic and community representatives.

Dr. Oglesby stated that the quality of education in a community determines whether new business and industry will locate in the area; the quality of education is often the key to making many things happen in the community, and if the search consultant does a thorough job of developing a profile, collecting information from the community and evaluating candidates, there will be a good mix. He stressed the importance of positive publicity and asked that any issue that might impact the search process be provided to the search consultant.

Mayor Harris expressed appreciation to Dr. Oglesby for his presentation and advised that Council Members look forward to their individual interviews.

There being no further business, the Chair declared the meeting of the Roanoke City School Board adjourned at 11:15 a.m.

Following a brief recess, the Council meeting reconvened at 11:25 a.m., in the same location.

Topics for discussion:

COUNCIL-INDUSTRIES: The Mayor advised that a Member of Council has requested an update on the terms of the agreement with IMD Investment Group, LLC, in connection with development of property located at the northwest corner of Franklin Road and Wonju Street, S. W.; whereupon, the City Attorney advised that he would research the matter to determine the appropriate State Code section for a closed session.

DRUGS/SUBSTANCE ABUSE: Council Member Dowe advised that certain individuals may attend the 2:00 p.m. Council meeting to address the proposed methadone clinic on Hershberger Road, N. W.

The City Manager advised that a permit was issued for improvements to the building and City staff will monitor progress.

LEGISLATION: Council Member Wishneff inquired if an item will be included in the City's proposed 2005 Legislative Program with regard to advisory referenda; whereupon, Vice-Mayor Fitzpatrick, Chair of the Legislative Committee, advised that the Committee previously agreed to hold the matter in abeyance pending a study by the City Attorney and the City's Legislative Liaison with regard to how the issue is addressed by other localities throughout the Commonwealth of Virginia, and the City Attorney advises that it will take approximately one year to complete the process.

COUNCIL: There was discussion in regard to scheduling a Council planning retreat; whereupon, it was the consensus of Council to schedule a retreat during the first two weeks in January 2005; Dr. Bruce Blaylock, professor at Radford University, will be requested to serve as facilitator; and the retreat will be held at a location in the Roanoke area.

The Mayor advised that he will work with the City Manager and the City Clerk on the appropriate arrangements.

At 1:50 p.m., the Mayor declared the Council meeting in recess until 2:00 p.m., in the City Council Chamber, 215 Church Avenue, S. W., City of Roanoke, Virginia.

The regular meeting of Roanoke City Council reconvened at 2:00 p.m., on Monday, November 1, 2004, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Harris presiding.

PRESENT: Council Members Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, and Mayor C. Nelson Harris -----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor presented a proclamation to Fred Wendorf, Chapter President, Greater Blue Ridge Chapter, Juvenile Diabetes Center, declaring the month of November 2004, as Juvenile Diabetes Awareness Month.

PROCLAMATIONS-LIBRARIES: The Mayor presented a proclamation to Michael Ramsey, President, Roanoke Public Library Foundation, declaring Saturday, November 6, 2004, as Valley Bookfest Day.

PROCLAMATIONS-RECYCLING: The Mayor presented a proclamation to Frank W. Decker, III, Manager, Solid Waste Management, declaring Saturday, November 13, 2004, as America Recycles Day.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. He called specific attention one request for a Closed Session to discuss the terms of a public contract.

CITY COUNCIL: An oral request of Council Member Brian J. Wishneff that Council convene in Closed Meeting to discuss a public contract involving the expenditure of public funds and to discuss the terms of such contract, pursuant to Section 2.2-3711 (A)(30), Code of Virginia, 1950, as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-CMERP-CITY INFORMATION SYSTEMS: A communication from the City Manager requesting that Council schedule a public hearing for Monday, November 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an adjustment to the Technology Fund Budget, was before the body.

The City Manager advised that each year, the year-end General Fund balance and retained earnings for Internal Service Fund and Enterprise Funds are appropriated for the funding of Capital Maintenance and Equipment Replacement (CMERP) and other necessary items; a Council report recommending appropriation of \$1,937,240.00 was presented to Council on September 20, 2004, at which time Council was advised that a subsequent report would contain recommendations regarding the appropriation of funds for CMERP - Technology; and a report recommending appropriation of funds is scheduled to be presented to Council on Monday, November 15, 2004.

The City Manager further advised that pursuant to Section 15.2-2507, Code of Virginia (1950), as amended, a locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the current adopted budget, however, any such amendment which exceeds one per cent of the total expenditures shown in the adopted budget, or the sum of \$500,000.00, whichever is lesser, must be accomplished by publishing a notice of a meeting and a public hearing.

The City Manager recommended that Council authorize the City Clerk to advertise a public hearing on the above referenced adjustment to the Technology Fund budget for Monday, November 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-ARCHITECTURAL REVIEW BOARD: A report of the City Clerk advising of the qualification of the following persons was before Council:

James A. Allen as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2008; and

Robert N. Richert as a member of the Architectural Review Board, for a term ending October 1, 2008.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HOUSING/AUTHORITY-COMMUNITY PLANNING: The City Manager submitted a communication advising that Roanoke's "C2C (Cradle to Cradle) Home" is an international home design and construction competition which will be conducted by the Council of Community Services (CCS) through Smith-Lewis Architecture; the purpose of design competition is to design and to create affordable and other housing that is energy efficient, based on sustainable and reusable materials and relies on innovative manufacturing techniques and technology; the City is agreeable to reimbursing CCS up to \$100,000.00 for planning activity and land acquisition costs related to design competition; the City plans to use Community Development Block Grant (CDBG) funds which are available in Account No. 035-G03-0320-5416; and funds are currently designated

for the "Multi-Unit Affordable Rental Housing Project" and will be replaced at a later date.

It was further advised that in addition to C2C activities, the Council of Community Services is interested in sponsoring a Valley-wide conference for all human service providers in an effort to support developing regional approaches toward human service needs in the Roanoke Valley; the City is agreeable to reimbursing CCS up to \$15,000.00 for costs related to the conference; and by using Community Development Block Grant (CDBG) funds in Account No. 035-G04-0421-5402, which are currently set aside for the "Daycare Services Initiative" project to study existing daycare capacity and needs, the project will become the "Human Services Initiative" instead.

It was explained that the City's current Consolidated Plan does not make provision for the above referenced uses of CDBG funds; therefore, Council must approve amendments to the Consolidated Plan as a prerequisite to entering into agreements with the Council of Community Services for the "C2C Housing Competition" and the Valley-wide conference.

It was noted that changes to the Consolidated Plan constitute substantial amendments, which require a 30-day public comment period before a change can be implemented; and the public comment period began with a newspaper advertisement on September 12, 2004, and ended on October 13, 2004, with no compelling objections having been received.

The City Manager recommended that Council:

- Approve amendment of the City's Consolidated Plan to allow use of CDBG funds to reimburse the Council of Community Services for planning activities and land acquisition costs associated with the "C2C (Cradle to Cradle) Housing Competition and allow funds to be used for regional cooperation in an effort to address human service needs in the Valley;

Authorize the City Manager to execute and to submit any necessary documents, to be approved as to form by the City Attorney, to the United States Department of Housing and Urban Development for such amendment;

Authorize execution of the 2004-2005 CDBG Subgrant Agreement with the Council of Community Services; and

Authorize transfer of \$100,000.00 from Account No. 035-G03-0320-5416 (Multi-Unit Affordable Rental Housing) to an account for the C2C Home program to be established in the Grant Fund by the Director of Finance.

Mr. Fitzpatrick offered the following budget ordinance:

(#36889-110104) AN ORDINANCE to transfer Community Development Block Grant funds for the Cradle to Cradle (C2C) Home Program, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 177.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36889-110104. The motion was seconded by Mr. Cutler.

Upon question, the City Manager advised that the "Cradle to Cradle" Housing Design Competition will be held in the City of Roanoke in mid January, 2005; judging and posting of entries will occur at the Art Museum; the construction of award winning houses will take place in the summer of 2005, with the goal of constructing 30 houses; approximately 12 properties have either been donated or the owner has indicated a willingness for a house to be constructed on the property; the City is looking at the possible purchase of certain delinquent properties that could be used once the current structure is removed; and the purpose of the competition is to construct housing that is both efficient and ecologically sound or sustainable.

There being no further discussion, Ordinance No. 36889-110104 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36890-110104) A RESOLUTION authorizing the appropriate City officials to execute an amendment to the Consolidated Plan for FY 2004-2005, providing for the use of Community Development Block Grant funds to reimburse the Council of Community Services (CCS) for its planning activity and land acquisition costs related to Roanoke's "C2C (Cradle to Cradle) Housing Competition," and allowing funds to be used to sponsor a Valley-wide conference for developing regional approaches toward human service needs in the Valley, and authorizing the City Manager to execute a 2004-2005 Community Development Block Grant Subgrant Agreement with the Council of Community Services, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, Page 177.)

Mr. Dowe moved the adoption of Resolution No. 36890-110104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

BRIDGES: The City Manager submitted a communication advising that on December 6, 1999, Council awarded a contract to Hayes, Seay, Mattern & Mattern, Inc. (HSMM) for design of the Downtown North Parking Garage (Gainsboro) and the First Street Bridge; three amendments to the contract have been executed for additional design services; and the original contract was for \$560,000.00, with three amendments totaling \$139,997.00.

It was further advised that Council received a briefing on September 7, 2004, outlining four alternatives for the First Street Bridge; each option was discussed in detail and the Council selected Alternative B which provided for complete rehabilitation of the existing First Street Bridge structure as a pedestrian only facility; the selected alternative requires dismantling the bridge, repairing or replacing deteriorated parts and re-erecting the rehabilitated bridge; the structure will be improved with some modern materials to improve capacity to carry pedestrian loads without limitation, and the selected alternative is estimated at \$2.2 million.

It was noted that approximately \$2.0 million in existing project funding is available and staff anticipates that additional funding of approximately \$200,000.00 will be needed, however, given the nature of the proposed rehabilitation project, costs will be better defined once detailed project plans and specifications are completed, and additional funding will be requested at completion of engineering design.

The City Manager advised that the selected alternative requires a new set of construction plans and specifications to be developed since previous design work completed for a replacement bridge cannot be used for the selected alternative; throughout the different stages of the project, no design was prepared for a rehabilitated existing structure; the existing bridge needs to have an inspection performed with detailed evaluation of existing bridge parts which will determine which parts need to be rehabilitated or replaced; many of the parts have experienced extensive corrosion over the years and will need to be replaced; and incorporation of Dr. Martin Luther King, Jr. enhancements will be taken into consideration as a part of the rehabilitation design.

It was explained that staff considered the option of hiring a new design consultant since the proposed bridge rehabilitation plan requires an entirely new design; however, after considering the time required for the professional services selection process, likely increased design costs, and the benefit of the current consultant's knowledge of the project, it is recommended that the current consultant be retained.

It was noted that total project estimate of \$2.2 million included the cost of preparing new plans and specifications; City staff has negotiated a contract amendment for the necessary design for repair and rehabilitation in the amount of \$166,570.00; approval by Council of the contract amendment is necessary inasmuch as the amendment exceeds 25 per cent of the initial contract value; and funding in the amount of \$166,570.00 is available in Account No. 008-052-9574 First Street Pedestrian Bridge.

The City Manager recommended that she be authorized to execute Amendment No. 4 for the above referenced services with Hayes, Seay, Mattern & Mattern, Inc., in the amount of \$166,570.00.

Mr. Fitzpatrick offered the following resolution:

(#36891-110104) A RESOLUTION authorizing the City Manager's issuance and execution of Amendment No. 4 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional professional services for the Downtown North Parking Garage (Gainsboro) and First Street Bridge Project.

(For full text of Resolution, see Resolution Book No. 69, Page 178.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36891-110104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of September 2004.

There being no questions or comments, without objection by Council, the Mayor advised that the Financial Report for the month of September would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS:

CITY CODE-TAXES: The City Manager submitted a communication advising that on September 7, 2004, Council was briefed by the Director of Real Estate Valuation on proposed changes for participation in the City's program that allows tax exemptions for the rehabilitation of residential, commercial, and industrial real property; on October 18, 2004, Council was presented with a revised ordinance, and following discussion, it was the consensus of Council to table action on the ordinance until the regular meeting of Council on Monday, November 1, 2004; and Council requested that the ordinance be revised to apply to commercial/industrial and multi-use property only, with recommendations regarding the rehabilitation of residential property to be re-evaluated and incorporated into the City's Housing Strategic Plan that will be presented in early 2005.

The City Manager further advised that recommended changes to the program now include:

- Revisions to the restrictions on increased square footage on commercial and industrial real property such that the total square footage of the structure cannot be increased by more than 100%. Currently, total square footage must not be increased by more than 15 per cent;
- Increasing the application fee when a change in use will result in additional tax parcel numbers being created to \$50.00 for each additional tax map number created. Currently, the application fee is \$50.00 for each property;
- For multi-use properties, requiring the residential portion to meet the eligibility requirements for residential real property and requiring the commercial or industrial portion to meet the eligibility requirements for commercial or industrial real property. Currently, any property, the use of which is partially residential and partially commercial or industrial, is treated as residential in its entirety for purposes of this division;
- Extending the termination date of the current program from July 1, 2005 to July 1, 2010. The proposal to extend the date out five years will allow the City the opportunity to monitor and to assess whether the program's goals continue to be met as a result of changes.

The City Manager recommended that Council adopt an ordinance amending and reordaining Division 5, Exemption of Certain Rehabilitated Real Property, consisting of §§32-93 through 32-101, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, by amending the eligibility requirements for tax exemption based on the recommendations noted above.

Mr. Fitzpatrick moved that the matter be removed from the table. The motion was seconded by Ms. McDaniel and unanimously adopted.

Mr. Dowe offered the following ordinance:

(#36892-110104) AN ORDINANCE amending and reordaining Division 5. Exemption of Certain Rehabilitated Property, consisting of §§32-93 through 32-101, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, by amending the eligibility requirements for tax exemption pursuant to this Division; modifying the restrictions on square footage on commercial and industrial real property; increasing the application fee when a change in use will result in additional tax parcel numbers being created; making certain other changes to the City's tax exemption program for rehabilitated real property; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 179.)

Mr. Dowe moved the adoption of Ordinance No. 36892-1101104. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

WATER RESOURCES-REFUSE COLLECTION: Mr. Cutler offered the following resolution fixing the compensation that may be received by certain members of the Boards of the Western Virginia Water Authority and the Roanoke Valley Resource Authority at \$250.00 per month, effective January 1, 2005:

(#36893-110104) A RESOLUTION fixing the compensation that may be received by certain members of the Boards of the Western Virginia Water Authority and the Roanoke Valley Resource Authority; and establishing an effective date.

(For full text of Resolution, see Resolution Book No. 69, Page 183.)

Mr. Cutler moved the adoption of Resolution No. 36893-110104. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

DRUGS/SUBSTANCE ABUSE: Council Member Lea requested an opinion from the City Attorney with regard to actions, if any, that the City of Roanoke may take with regard to the proposed methadone clinic to be located at the corner of Cove and Hershberger Roads, N. W.

The City Attorney responded that approximately one year ago, the Council and the City administration were advised, after the fact, that a business license had been issued to a business that proposed to open a methadone clinic on Hershberger Road; in applying for the business license, the company obtained zoning approval and certification from the City; a business license was issued and the business proceeded to apply for and obtained building permits through the City and invested several hundred thousand dollars in building renovations, following which the company obtained a Certificate of Occupancy from the City to occupy the building. He stated that when the matter was brought to the attention of the City administration and City Council, it was too late, legally, to address the issue inasmuch as all necessary permits had been issued.

The City Attorney advised that in working with the City Planning Commission and City Planning staff, the City's Zoning Ordinance was amended in December 2003 to provide that in the future any clinic of this type would be required to obtain approval by the City's Board of Zoning Appeals and to obtain a special exception permit, which would necessitate a public hearing before the Board of Zoning Appeals and an opportunity for residents and citizens to be heard by the Board of Zoning Appeals. At that time, he stated that Council also requested, through its Legislative Program to the General Assembly, that legislation be enacted to institute a statute that would require the State to notify localities when an application for a facility of this type is filed, and a statute was passed by the General Assembly which requires that clinics of this type must be located a certain number of feet from schools and day care centers, etc. He explained that the General Assembly cannot enact laws that are retroactive, but in the future, should a similar clinic apply, it will be required to meet spacing or separation requirements as set forth in the State Code, the City will be notified in advance and provided with an opportunity for input on the application, and to address specifically whether the proposed location is in conformance with the City's Comprehensive Plan. He stated that he was not aware of any action that the City of Roanoke can take to prevent the methadone clinic from opening at the Hershberger Road location; and efforts have been made to identify other suitable locations for the facility. In summary, he stated that he was not aware of any legal challenge that could be mounted by the City of Roanoke at this time.

Council Member Dowe advised that the City of Roanoke has done everything within its power to address all legal issues. He stated that it would be hoped that the operator of the methadone clinic, in the spirit of a corporate partner who is about to locate in the City of Roanoke, would realize the magnitude of the situation and the type of atmosphere that has been created and would be willing to work with the community to identify a more appropriate location.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

CITY MARKET: Philip Full, owner of New York Subs, located in the City Market Building, inquired as to why after 20 years, the City of Roanoke has decided to change its policy to allow national chain restaurants to locate in the City Market Building. He stated that when the City and F & W Management Corporation established the concept for the City Market Building, the agreement was to invite a blend of local business men and women with unique concepts that would compliment each other, not compete; whether or not a non compete clause is a part of the agreement, there has always been a "gentleman's agreement" to not infringe on other concepts; and with this policy, the City Market area has grown over the past 20 years. He called attention to several businesses such as Corn Beef and Company, Fast Freddy's, Confetti's, etc., that have moved on to larger and more successful operations; the Market area has a long history of serving as the hub of downtown Roanoke and the City Market Building and the Farmer's Market have been known as a place where local persons can buy, sell and trade their wares and produce. He stated that this is not the first time in 20 years that a competing national chain restaurant has tried to locate in the City Market Building, but with the recent management change, it is the first time that the idea has been allowed to be considered. He added that New York Subs has operated out of the City Market Building since the food court concept was implemented, and in those 20 years they have been surrounded by competition; and national chain food can be acquired anywhere in America, but few places are left in the United States that allow for the local flair that can be found in Roanoke's City Market which adds to making downtown Roanoke a destination spot. He stated that the national chain restaurant seeking to locate in the City Market Building offers menu items that duplicate many of the offerings of New York Subs; however, his position would be the same if the restaurant chain offered pizza, hamburgers, or Mexican cuisine, in support of the owners of those businesses who already have concepts in place in the City Market Building. He added that the presence of national restaurant chains on the Market, along with their golden arches and familiar icons, will erase the local character and flavor that has uniquely identified the Roanoke City Market for many years.

Anita Wilson, President, City Market Building Tenant's Association, and Co-owner of two businesses in the City Market Building, spoke on behalf of established businesses in the City Market Building. She advised that it is the collective opinion of Market Building businesses that they have been failed by the City of Roanoke by allowing an out of town based rental company to operate the Market Building. She addressed issues of concern with regard to lease uniformity, clarification of leases, compete and non-compete clauses in some leases, continued improvements to the Market Building, and leasing of empty place, including the entire third floor of the building. She stated that business is the key to the success of downtown Roanoke and asked that business interests in the City Market Building be protected by the City of Roanoke.

Kelly Crovo, owner of the Red Coyote located in the City Market Building, called attention to the deterioration of the City Market Building and raised questions as to why the City has allowed the building to deteriorate to the point that millions of dollars will be required to bring the building up to acceptable standards. He called attention to vacant buildings in the downtown Roanoke area and advised that the City's Human Services department has been relocated outside of downtown Roanoke which has affected business in the City Market Building. Therefore, he inquired if the City has developed proposed plans to revitalize downtown Roanoke.

Dean Crump, representing the owner of Nuts and Sweet Things located in the City Market Building, expressed concern that a lease which has worked well for 20 years has now been changed without any explanation by the new management firm. He spoke in support of the remarks of previous speakers.

The Mayor advised that Council will be briefed on the City Market/City Market Building on Monday, November 15, 2004, at 2:00 p.m., and invited all interested persons to attend the meeting.

Council Member Wishneff suggested that the briefing include information on such issues as national chain restaurants, future management of the City Market Building, the structuring of leases, and the impact of current construction on City Market Building business.

DRUGS/SUBSTANCE ABUSE: Ms. Judy Ferguson, 1713 Coveland Drive, N. W., spoke against the proposed methadone clinic on Hershberger Road, N. W. Even though the City of Roanoke has stated that there is nothing, legally, that can be done to prevent the methadone clinic from opening, she asked that the City intervene on behalf of the neighborhood. She stated that it has been reported that the proposed methadone clinic has spent thousands of dollars on building renovation, but it should also be taken into consideration that residents of the area have a vested interest in the safety of their children and in the value of their homes and churches.

Ms. Trina Blaney, 1703 Coveland Drive, N. W., advised that the use of cocaine, marijuana and alcohol currently represent problems in the community, therefore, a methadone clinic would compound the issue. She asked that Council take into consideration the concerns of residents of the area and the community as a whole, and locate the methadone clinic at a site that is not in close proximity to schools, homes and churches. She expressed a further concern that in order for an addict to free herself or himself of drugs, the individual should not be cross addicted with another chemical; instead, it is necessary to cleanse the body rather than to administer a drug that will only take away the craving; and instead of cross addicting, addicts need counseling and a form of alternative treatment. She advised that it has been stated that some persons will travel as long as two hours to reach the methadone clinic on Hershberger Road, therefore, the clinic should be located in an area where most of the persons receiving the treatment reside and not in northwest Roanoke City.

The Reverend Brian Kingery, 7956 Wood Haven Road, N. W., Pastor, Roanoke Valley Dream Center, 1026 Lafayette Boulevard, N. W., expressed sympathy for those persons who struggle with drug addiction, for which there are few answers in the City of Roanoke. He stated that many citizens are confused and concerned about what happens in and around a methadone clinic, but if Roanoke is truly caring and compassionate as a City, it is the City of Roanoke's responsibility to be a part of the solution. Therefore, he stated that the question is, if Roanoke chooses not to allow a methadone clinic, what does the City plan to do since drugs and drug addiction are problems in the City of Roanoke and it is time for citizens to stop ignoring the problem. In closing, he challenged the citizens of Roanoke to not become overly focused on what is perceived to be harmful to the City, but instead, embrace any program that will create success by helping people in the community who are struggling with drug addiction. He invited the methadone clinic to his church at 1026 Lafayette, N. W., where they will receive both physical and spiritual treatment.

Ms. Mary Paxton, 2206 Garstland Drive, N. W., expressed concern due to the number of churches, schools and day care centers in the area of the proposed methadone clinic on Hershberger Road and for the safety of citizens, many of whom are elderly. She stated that residents of the area understand that those persons who will use the services offered by the methadone clinic need help and they are not opposed to a methadone clinic, but they do not want the facility to be located in their neighborhood when there are other parts of the City where the clinic could be located that will not infringe on the individual rights of citizens, churches and schools.

Mr. Robert Gravely, 729 Loudon Avenue, N. W., criticized the State for allowing a methadone clinic to be located in any locality without first informing the appropriate local officials.

The City Manager responded to the above remarks and advised that a business license and a zoning verification were requested for the proposed methadone clinic in October 2003 and Council acted on a zoning ordinance amendment on November 14, 2003, therefore, the business license was issued approximately 15 days prior to the Council's action. Although it was too late to affect the methadone clinic in question, she stated that Council enacted the appropriate measure to ensure that a similar situation will not occur in the future; and following action by the General Assembly last year, Zoning staff, City Planning staff and others visited a number of locations throughout the City to identify an alternate location for the facility; however, State legislation requires that any clinic will be located more than one half mile from a day care center and/or a school. She added that if a suitable location is found, the requirement exists under the City's current zoning ordinance for a special use permit to be issued by the Board of Zoning Appeals; and the City continues to receive telephone calls from interested persons who have identified proposed locations, which are reviewed to determine if the locations meet the requirements, and zoning and distance requirements make it difficult to locate suitable sites within the City. She stated that it is her understanding, in consultation with the City Attorney, that the City has done everything it can under the circumstances; she agreed with a previous speaker that it is unfathomable that the State would allow an activity of this nature to locate in a community without advance notice to local officials; and at the City's

urging, the State enacted legislation that any future clinic of this nature would require a minimum of 30 days notice to the locality. She advised that treatment should be available to those persons in need in the Roanoke community, the City of Roanoke considers the needs of its citizens, and shares the burden of those persons in need who come to Roanoke from other communities. She added that she was personally disturbed that the proposed methadone clinic and its location has created unrest in the community because the issue does not have anything to do with the treatment of individuals, but the location; therefore, the City of Roanoke will continue to work on an alternate location and if citizens wish to suggest other locations as potential sites, the City will review their proposals.

Council Member Lea made the observation that a United States Attorney previously spoke in opposition to the location of a methadone clinic in Roanoke County; however, he was not aware that the individual had spoken to the issue in the City of Roanoke. He advised that residents of the Hershberger Road area have expressed frustration because the United States Attorney also represents the City of Roanoke.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that November 11, Veterans Day, is observed as a day to honor those persons who gave their life for the freedom of the United States of America. He stated that many years ago during the month of November, Victory Stadium was dedicated to the memory of those persons who sacrificed their lives for their country; therefore, Victory Stadium should be renovated, promoted and used as a City facility.

CITY MANAGER COMMENTS: NONE.

At 3:40 p.m., the Mayor declared the Council meeting in recess for one Closed Session.

At 4:00 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel,
and Mayor Harris -----7.

NAYS: None-----0.

There being no further business, the Mayor declared the meeting adjourned
at 4:02 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
